



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,077	07/25/2003	John Richard Moorhouse	1600-000002US	3117

7590 03/09/2004

Anthony G. Fussner
Harness, Dickey & Pierce, P.L.C.
Suite 400
7700 Bonhomme Avenue
St. Louis, MO 63105

EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
----------	--------------

3643

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,077	Applicant(s) MOORHOUSE, JOHN RICHARD	
	Examiner Bethany L. Griles	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 6-12, 14, 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dugan US6266916.
3. Regarding claim 1, Dugan discloses a fishing lure having a head portion 12, a body portion 14, a tail portion 16, an internal chamber 25 having a first opening 26 in said head portion 12 and a second opening 30 in body portion; wherein first opening 26 is configured to allow fishing line 68 to be inserted therethrough into said internal chamber 25, and second opening 30 is configured to allow a fishing weight 55 to be inserted therethrough into said internal chamber 25.
4. Regarding claim 2, Dugan discloses that the lure is a facsimile fish (col 3, line 61).
5. Regarding claim 4, Dugan discloses that the fishing lure is fabricated from a flexible material (col 3, line 61).
6. Regarding claim 6, Dugan discloses that the fishing lure is translucent (col 3, line 61).
7. Regarding claim 7, Dugan discloses a fishing lure having a head portion 12, a body portion 14, a tail portion 16, an internal chamber 25 having a first opening 26 in

said head portion 12 and a second opening 30 in body portion; wherein first opening 26 is configured to allow fishing line 68 to be inserted therethrough into said internal chamber 25; a fishing weight 55 and a hook 42.

8. Regarding claim 8, Dugan discloses second opening 30 is configured to allow a fishing weight 54, 55 to be removably inserted therethrough into said internal chamber 25.

9. Regarding claim 9, Dugan discloses the passageway of the weight 54 is configured to receive the fishing line 68.

10. Regarding claim 10, Dugan discloses the passageway of the weight 54 is configured to receive a portion of the hook 42 (col 4, lines 34-36).

11. Regarding claim 11, Dugan discloses that a first portion of the passageway 30 is configured to receive a portion of the hook 42 and a second portion of the passageway 26 is configured to receive fishing line only (figure 4).

12. Regarding claim 12, Dugan discloses that the second portion of the passageway 30 is configured to prevent rotational movement of the hook within the weight (figure 4)

13. Regarding claim 14, Dugan discloses the use of a liquid fish attractant 58, which could and would act as a lubricant within the chamber.

14. Regarding claim 16, Dugan discloses a method of assembling a fishing lure having a head portion 12, a body portion 14, a tail portion 16, an internal chamber 25 having a first opening 26 in said head portion 12 and a second opening 30 in body portion; wherein first opening 26 is configured to allow fishing line 68 to be inserted therethrough into said internal chamber 25, and second opening 30 is configured to

allow a fishing weight 55 to be inserted therethrough into said internal chamber 25; and the method comprising the steps of : assembling the fishing lure onto the fishing line by threading fishing line through the first opening 26 and second opening 30 , assembling the weight 55, 56 onto the fishing line, and assembling the hook onto the fishing line (col 4, line 64-col 5, line 20).

15. Regarding claim 17, Dugan discloses the passageway through the fishing weight 55 is configured to receive a portion of the hook 42.

16. Regarding claim 18, Dugan discloses that the passageway through the weight 55 is configured to receive a portion of the hook 42 and the method further comprises inserting a portion of the hook into the passageway (col 5, line 6).

17. Regarding claim 19, Dugan discloses inserting the fishing weight into the internal chamber (col 4, lines 66-67).

18. Regarding claim 20, Dugan discloses the use of a liquid fish attractant 58, which could and would act as a lubricant within the chamber.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Swifty's of Vauxhall website, dated December 23, 2001.

Art Unit: 3643

21. Regarding claim 3, Dugan discloses a fishing lure which is a facsimile fish (col 3, line 61).

22. Dugan does not disclose that the fish is a sand eel.

23. Swifty's website discloses a plurality of sand eel-like lures, as seen on pages 15, 16, and 17 of the cited document.

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Swifty's website to the invention of Dugan in order to create a baitfish which was attractive to the sport fish being sought by the fisherman. It is old and notoriously well known in the art to make fishing lures to resemble a multiplicity of species of fish, cephalopods, or other prey of sport fish.

25. Regarding claim 15, Dugan discloses the components of the lure.

26. Dugan does not disclose the components are grouped by packaging.

27. Swifty's website (p 15-17) discloses the lures grouped by packaging.

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Swifty's to the invention of Dugan, as it is old and well known in the art to sell fishing lures with various components packaged together.

29. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Guerin US5829183.

Art Unit: 3643

30. Regarding claim 5, Dugan discloses that the lure is made of a flexible material (col 3, line 61).

31. Dugan does not disclose the material is rubber.

32. Guerin discloses the material is rubber (col 3, line 31).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Guerin to the invention of Dugan as rubber is a flexible material, and it would be well within the scope of one skilled in the art to make a fishing lure of rubber.

34. Regarding claim 13, Dugan discloses a hook 42.

35. Dugan does not disclose a plurality of barbs.

36. Guerin discloses a hook with a plurality of barbs.

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Guerin to the invention of Dugan, as the use of multiple barb hooks is notoriously well known in the art and the addition of multiple barbs could increase the probability of landing a fish.

Conclusion

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taylor US5787633; Vaught US5228230; McKenzie US3680247; Faulkner et al. US6658785; Baron US6675526; Signitzer et al. US6546663; Hicks US2939241; Hall, Sr US6105303; Watkins US6182390.

Art Unit: 3643

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



blg

Bethany L. Griles
Examiner
Art Unit 3643



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600

3/5/04